

The lamb industry's case now rests with the President. I call on this Administration to follow through with the strong and effective relief this industry needs to regain its footing and confidence. With confidence will come investment, and with investment, will come a more competitive industry.●

#### ROSE FISHER BLASINGAME, NATIVE AMERICAN LOUISIANA ARTIST

● Ms. LANDRIEU. Mr. President, I rise today to recognize a special artist from my state whose art was recently exhibited in our nation's capital. She is Rose Fisher Blasingame, a member of the Jena Band of Choctaw who are located in LaSalle Parish in Jena, Louisiana. Rose Fisher Blasingame was born and raised in Central Louisiana, and is married to Micah Basingame and has four children. Her artwork is basketry, an art she is attempting to revive since its loss from their community after the time of her great-great Aunt Mary Lewis who practiced the craft until she died in the early 1930's. From hearing stories from her family and elders, and seeing some of her aunt's work, she decided to try to learn this art-craft and bring back this lost tradition. She should be very proud that she has accomplished this goal. She also makes blow guns, arrow quivers, and tans deer hides. She shares the task of making china berry necklaces with her elders who she also joins in the tradition of passing down stories about creation, medicinal plants and home remedies. Her new goal, which she shares with her elders, is to attempt to bring back the Choctaw language.

Her baskets have been based on authentic Choctaw artifacts in the Smithsonian. They are splendid works of art which have many complex weaves of light and dark involving a number of incredible shapes and textures. One of her pieces which I saw was composed of an inside weave which was the mirror image of the exterior weave done in reversal contrast of light and dark.

She is a beneficiary of a grant from the Louisiana Arts Endowment Program. By recognizing her artwork, I also wish to honor all Choctaw tribes and culture. The Choctaw call themselves pasfalaya, which means "long hair." They are of the Muskogean language group. The Choctaw were natives of Mississippi and Alabama, making them one of Louisiana's immigrant tribes. After Spain took control of Louisiana in 1763, the Spanish government, seeking a buffer between themselves and the English, invited the tribes from east of the Mississippi River into Louisiana. Small groups of Choctaw, including the Jena band, took them up on this offer, and there were several Choctaw settlements throughout north and central Louisiana.

Louisiana boasts of many Choctaw place names. Early explorers used Choctaw guides to lead them to the

new territories west of the Mississippi. The names given to the rivers, streams and other landmarks have remained as they were named hundreds of years ago. Some of these names include Atchafalaya (long river), Bogue Chitto (big creek), Catahoula (beloved lake), Manchac (rear entrance), and Pontchatoula (hanging hair or Spanish moss). It is also the Choctaw who taught the French and Spanish settlers the use of file' seasoning which is so widely used even today in the gumbo recipes of our unique Louisiana cuisine.

Clearly, Rose Fisher Blasingame knows that she holds the rare coin of her culture which should be cherished and treasured. Imagine the remarkable effort she has undertaken along with her tribe to re-establish their language. In this ambitious effort, Rose has sent her daughter Anna Barber to attend the Choctaw school in Mississippi in that branch of their tribe. I understand there are about 12 Choctaws speakers left among the Jena Choctaw, and the tribe is planning a computer language program which will teach adults as well as children, but aimed specifically at the kids. As always, their hope for the future will be carried by their children.

Mr. President, I thank you for this moment to recognize the work of this remarkable artist and woman, and the Choctaw tribe and culture of Louisiana.●

#### TRIBUTE TO JOHN TIEN

● Mrs. FEINSTEIN. Mr. President, I rise to salute the work and dedication of Major John Tien, a distinguished White House Fellow from Long Beach, CA.

Major Tien was chosen as one of the selected few to participate in the distinguished 1998-99 White House Fellowship Program. Since 1965, the program has offered outstanding individuals, like Major Tien, the opportunity to apply their considerable talents to public service. Past U.S. Army White House Fellow alumni, including former Chairman of the Joint Chiefs of Staff General Colin L. Powell, have emerged as great military leaders, and I have no doubt that Major Tien will be successful in his future endeavors.

As a White House Fellow, Major Tien has been assigned to the Office of the U.S. Trade Representative. He conducts research on consumer, labor, and environmental groups in an effort to educate the American public about the benefits of international trade. Other responsibilities include coordinating partnerships with important business groups, including the National Association of Manufacturers, the Business Round Table, and the President's Export Council, to develop trade education ideas and advance a free trade agenda. He is a member of the lead team for planning the Third Ministerial Conference of the World Trade Organization in Seattle, Washington. He

is also a member of the steel import crisis response team, where he is responsible for drafting reports for the Congressional Steel Caucus. Major Tien is the special assistant to the Deputy U.S. Trade Representative on all WTO matters.

Major Tien was an assistant professor in the Department of Social Sciences at the U.S. Military Academy at West Point. He received his bachelor's degree in Civil Engineering from West Point, where he was the top-ranked military cadet in his class. He later attended Oxford University as a Rhodes Scholar. As a veteran of Operation Desert Storm, he was among the first soldiers to cross the Saudi Arabia-Iraq border. He has commanded an M1A1 main battle tank company and a headquarters company, and has served as the chief logistics officer for a thousand-soldier brigade. Additionally, Major Tien has successfully balanced several extracurricular activities with his military commitments. For example, he has served as a volunteer tutor for inner-city elementary and high school youth, as a co-organizer of the New York, Orange County Special Olympics and as a youth league soccer and baseball coach.

Mr. President, the importance of the public service should be recognized, and Major Tien stands as an especially admirable role model in this regard. For his efforts, and in recognition of the well-deserved honor of serving as a White House Fellow, I am privileged to commend and pay tribute to Major John Tien.●

#### PRIVILEGE OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that a fellow in my office, Bruce Artim, be granted the privilege of the floor for this session of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: No. 64.

I further ask unanimous consent that the nomination be confirmed; that the motion to reconsider be laid upon the table; that any statements relating to the nomination appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

##### OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Gary L. Visscher, of Maryland, to be a Member of the Occupational Safety and

Health Review Commission for a term expiring April 27, 2001.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## SATELLITE HOME VIEWERS IMPROVEMENT ACT

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 24, S. 247.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 247) to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 247

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Satellite Home Viewers Improvements Act".

### SEC. 2. LIMITATIONS ON EXCLUSIVE RIGHTS; SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS WITHIN LOCAL MARKETS.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by adding after section 121 the following new section:

#### **"§ 122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local markets**

"(a) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS BY SATELLITE CARRIERS.—A secondary transmission of a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

"(1) the secondary transmission is made by a satellite carrier to the public;

"(2) the secondary transmission is permissible under the rules, regulations, or authorizations of the Federal Communications Commission; and

"(3) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

"(A) each subscriber receiving the secondary transmission; or

"(B) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

"(b) REPORTING REQUIREMENTS.—

"(1) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station under subsection (a) shall, within 90 days after commencing such secondary transmissions, submit to that station a list identifying (by name and street address, including county and zip code) all subscribers to which the satellite carrier currently makes secondary transmissions of that primary transmission.

"(2) SUBSEQUENT LISTS.—After the list is submitted under paragraph (1), the satellite carrier shall, on the 15th of each month, submit to the station a list identifying (by name and street address, including county and zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection.

"(3) USE OF SUBSCRIBER INFORMATION.—Subscriber information submitted by a satellite carrier under this subsection may be used only for the purposes of monitoring compliance by the satellite carrier with this section.

"(4) REQUIREMENTS OF STATIONS.—The submission requirements of this subsection shall apply to a satellite carrier only if the station to whom the submissions are to be made places on file with the Register of Copyrights a document identifying the name and address of the person to whom such submissions are to be made. The Register shall maintain for public inspection a file of all such documents.

"(c) NO ROYALTY FEE REQUIRED.—A satellite carrier whose secondary transmissions are subject to statutory licensing under subsection (a) shall have no royalty obligation for such secondary transmissions.

"(d) NONCOMPLIANCE WITH REPORTING REQUIREMENTS.—Notwithstanding subsection (a), the willful or repeated secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a primary transmission made by that television broadcast station and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided under sections 502 through 506 and 509, if the satellite carrier has not complied with the reporting requirements of subsection (b).

"(e) WILLFUL ALTERATIONS.—Notwithstanding subsection (a), the secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a primary transmission made by that television broadcast station and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and sections 509 and 510, if the content of the particular program in which the performance or display is embodied, or any commercial advertising or station announcement transmitted by the primary transmitter during, or immediately before or after, the transmission of such program, is in any way willfully altered by the satellite carrier through changes, deletions, or additions, or is combined with programming from any other broadcast signal.

"(f) VIOLATION OF TERRITORIAL RESTRICTIONS ON STATUTORY LICENSE FOR TELEVISION BROADCAST STATIONS.—

"(1) INDIVIDUAL VIOLATIONS.—The willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission made by a television broadcast station and embodying a performance or display of a work to a subscriber who does not reside in that station's local market, and is not subject to statutory licensing under section 119, is actionable as an act of infringement under section 501 and is fully subject to the remedies provided by sections 502 through 506 and 509, except that—

"(A) no damages shall be awarded for such act of infringement if the satellite carrier took corrective action by promptly withdrawing service from the ineligible subscriber; and

"(B) any statutory damages shall not exceed \$5 for such subscriber for each month during which the violation occurred.

"(2) PATTERN OF VIOLATIONS.—If a satellite carrier engages in a willful or repeated pat-

tern or practice of secondarily transmitting to the public a primary transmission made by a television broadcast station and embodying a performance or display of a work to subscribers who do not reside in that station's local market, and are not subject to statutory licensing under section 119, then in addition to the remedies under paragraph (1)—

"(A) if the pattern or practice has been carried out on a substantially nationwide basis, the court shall order a permanent injunction barring the secondary transmission by the satellite carrier of the primary transmissions of that television broadcast station (and if such television broadcast station is a network station, all other television broadcast stations affiliated with such network), and the court may order statutory damages not exceeding \$250,000 for each 6-month period during which the pattern or practice was carried out; and

"(B) if the pattern or practice has been carried out on a local or regional basis with respect to more than one television broadcast station (and if such television broadcast station is a network station, all other television broadcast stations affiliated with such network), the court shall order a permanent injunction barring the secondary transmission in that locality or region by the satellite carrier of the primary transmissions of any television broadcast station, and the court may order statutory damages not exceeding \$250,000 for each 6-month period during which the pattern or practice was carried out.

"(g) BURDEN OF PROOF.—In any action brought under subsection (d), (e), or (f), the satellite carrier shall have the burden of proving that its secondary transmission of a primary transmission by a television broadcast station is made only to subscribers located within that station's local market.

"(h) GEOGRAPHIC LIMITATIONS ON SECONDARY TRANSMISSIONS.—The statutory license created by this section shall apply to secondary transmissions to locations in the United States, and any commonwealth, territory, or possession of the United States.

"(i) EXCLUSIVITY WITH RESPECT TO SECONDARY TRANSMISSIONS OF BROADCAST STATIONS BY SATELLITE TO MEMBERS OF THE PUBLIC.—No provision of section 111 or any other law (other than this section and section 119) shall be construed to contain any authorization, exemption, or license through which secondary transmissions by satellite carriers of programming contained in a primary transmission made by a television broadcast station may be made without obtaining the consent of the copyright owner.

"(j) DEFINITIONS.—In this section—

"(1) The term 'distributor' means an entity which contracts to distribute secondary transmissions from a satellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers or indirectly through other program distribution entities.

"(2) The term 'local market' for a television broadcast station has the meaning given that term under rules, regulations, and authorizations of the Federal Communications Commission relating to carriage of television broadcast signals by satellite carriers.

"(3) The terms 'network station', 'satellite carrier' and 'secondary transmission' have the meaning given such terms under section 119(d).

"(4) The term 'subscriber' means an entity that receives a secondary transmission service by means of a secondary transmission from a satellite and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.